the two last mentioned points together.

By an inspection of the copy of the record of the Police Court it appears that the defendant was charged on the 7th day of February last with "selling and disposing of spirituous liquor on the 6th instant in Honolulu without a license."

We consider this to be a sufficient statement of the charge and that it discloses the jurisdiction of the Court, and supplies the omission in the mittimus to state the jurisdiction.

The entry of the judgment or finding "guilty of selling liquor without a license" must be read in connection with the charge made and must be considered as a finding of guilty on that charge. But even if this were not so we do not think for reasons hereafter appearing that this finding could be attacked in a collateral proceeding such as "*habeas corpus*."

With respect to the judgment not awarding imprisonment we do not deem it would be proper to do so. The statute creating the offense says nothing as to imprisonment, and the extent of imprisonment, therefore, comes under the general law regulating such matters viz: Chapter 51 of the Penal Code, Section 2 of which so far as is material reads as follows:

"When a fine is not paid immediately following the offender's conviction, he shall be committed to prison, there to remain at hard labor or otherwise in the discretion of the Court or magistrate until such fine is paid."

The fine is to be worked out at the rate of fifty cents per day, but power is given to two magistrates to discharge a poor convict at the expiration of one year of his imprisonment.

It appears to us, therefore, that the imprisonment in such a case is not properly a part of the sentence. The prisoner, by virtue of the judgment, stands committed without further order, and it is only necessary for the magistrate to exercise his discretion in making out the mittimus as to whether the imprisonment should be with or without hard labor, which he appears to have done in this case.

It appears to us that we may safely adopt the words of the Court in People vs. Markham, 7 Cal. 210, and hold, which we do, that "the imprisonment is not a punishment, but a means of enforcing a payment of the fine."

Many authorities were cited by counsel for the defendant to the effect "that where a justice of the peace having a power to fine or imprison for a limited time, adjudged the defendant to pay a fine, and stand committed until paid, the judgment is void. The imprisonment being indefinite was beyond the jurisdiction of the Justice."

We are agreed that such contention is correct, and were this such a case or, if the magistrate had imposed a definite term of imprisonment, we would unhesitatingly discharge the prisoner. But here the magistrate is not so limited and none of the cases cited are applicable to this case.

The case of People vs. Markham, before mentioned, was cited by the defendant as in his favor, but it appears to us that, on the contrary, it is decidedly against him, although we cannot say we are satisfied with the reasons for the decision, as it seems to imply that the defendant herein, although the judgment should be illegal, would have to wait eight hundred days before he could apply for his writ.

The jurisdiction of the inferior courts of this country is entirely created by statute, and many of the reasons for the very strict construction of their jurisdiction, powers and procedure which obtain in the United States and England, the powers of such courts being in derogation of the Common Law, are not applicable here.

Section 893 of the Civil Code directs that the Police Justices shall, in all cases, preserve in written detail, the minutes and proceedings of their trials transactions and judgments.

And District Justices are not compelled to keep even such a meagre record. Section 919, providing that they shall not be confined to forms, nor shall be compelled in any case to preserve any other record of their proceedings, than the mere conclusion, determination or judgment, at which they may arrive.

We must therefore hold that the record and mittimus, for the purposes of this case, show sufficient jurisdiction to hear and determine the charge and to justify the detention of the prisoner.

The question as to how far a judgment can be attacked by proceedings on *habeas corpus* is raised in this case and the decision of such question is necessary, in order that persons who may consider themselves wrongfully held in custody may understand the nature of the proceedings to be taken to obtain redress.

By the habeas corpus Act, persons convicted or in execution on process, civil or criminal, are not entitled as of right to the writ. But a Justice of the Supreme Court may, in his discretion, issue the writ where it is not demandable as of right, and may discharge the party as law and justice may require.

The Chief Justice, in the exercise of his discretion, rightly issued the writ in the case now before the Court, and we think that in all cases where the mittimus is insufficient upon its face, the discretion should be exercised, but that it is only in cases where the record does not supply the omission that the prisoner shall be discharged.

The effect of the discharge under the writ is that the person cannot be re-arrested and he is absolved from all punishment for the offense of which he may be legally guilty, and notwithstanding the conviction which is still of record against him.

We are of opinion that when a mittimus is good upon its face and the prisoner is in execution under a conviction, that a writ of *habeas corpus* should not issue, but that the prisoner should be confined to his right of appeal, and that a conviction or judgment cannot be attacked in a proceeding on *habeas corpus* if jurisdiction appears by the record.

For the foregoing reasons we order that the defendant (who has been admitted to bail) be remanded to the custody of the Marshal.

C. Creighton, J. M. Poepoe and A. C. Smith for the Petitioner.

Honolulu, June 1st, 1887.

A Plague of Rats.

The rat threatens to be as destructive in the Neilgherries as the rabbit is in Australia. The hills are overrun by them. The fields of the ryots are honeycombed by them. On estates hundreds of tea trees have been uprooted by them, and bushels of coffee may be gathered that has been picked by them. Growers of potatoes and vegetables have had their crops destroyed by them, and residents and visitors have experienced what a pest they have become in the houses. It is suggested that the breeding of such birds as the eagle, the hawk and the owl, which prey upon rats, should be encouraged. At present the Neilgherries Game Association offers rewards for the destruction of such birds.

A Fortune for Sir Charles Dilke.

A valuable legacy has just been received by Sir Charles Dilke, under somewhat peculiar circumstances. A rich relative of his—a cousin, we believe—John Snooke, of Belmont Castle, executed a will last year bequeathing the greater part of his fortune, amounting to about £150,000—other accounts say much more—together with a small landed estate, to be held in trust for the sons of Mrs. Ashton Dilke. In consequence, however, of the events of last summer, and in the belief that Sir Charles Dilke had not fared justly either at the hands of the law or in the mouths of his relatives, Mr. Snooke executed a new will, leaving the above fortune and estate to Sir Charles Dilke for life, and afterwards to Sir Charles Dilke's son absolutely. In case this son should die before attaining his majority, the testator directed that the property should pass, as he had originally intended, to the children of Mrs. Ashton Dilke.

Hazing at Vassar.

They never use the word haze at Vassar. These euphemistic young women style the reception of the freshman by the sophomores a 'party.' But what is in a name? Vassar is devoted to the higher education of women, and that, as popularly understood, means being as much like men as possible. Now the higher education of men has been found to be inseparable from at least one rough-and-tumble encounter a year, where eyes are freely blacked, flesh is bruised, and even bones are broken; where, in a word, a boy is not only invited, but forced to show how much of the bully is in him, before he sets out to become a scholar and a gentleman. No wonder then, that the visitor at Vassar feels it rather painful than pleasant to be invited to the first official recognition of the class of '89 by the class of '88.

The parlors of the college were thrown open and decorated with rugs, draperies, etc. On either side of the entrance stood a young girl in evening dress, one of whom handed the visitor a dainty programme, the other a pipe bound with ribbon. "When, before, did a pipe signify war?" thought the visitor. The light of the first room was so tempered and softened that one would fancy that an effort had been made to imitate moonlight, but a laughing freshman explained: "This is the freshman room. There is nothing green about us, you see, and no one would know to what class we belonged if the sophomores hadn't dressed our room in that color." Surely enough the light came through green shades, green scarfs were wound round the pictures, green was tossed over the backs of the chairs. In the next stood the Presidents of the respective classes receiving side by side, the one adorned with Jacqueminot roses, her class dower, the other with yellow and white chrysanthemums, while behind them appeared the figures '88 in yellow and white flowers, the gift of the freshmen to the sophomores. There was much introductive jesting and congratulating. Then tumblers filled with soap-suds were passed around, and even the officers of the college joined in blowing soap-bubbles. Suddenly a hush spread through the rooms. The President of '88 advanced to a position which commanded the whole suite, and with perfect dignity and self-possession gave a brief address of welcome to the freshmen. Pipes and glasses tinkled out applause as he concluded, and '89 took the place to thank her elder sister for her generosity and sympathy. Presently there was another break in the gayety. The voices of '88's choir rose from a corner, singing welcome to '89. Then another pause and '89's choir responded. Then with grave courtesy a fair damsel escorted the visitors to the refreshment room across the hall. Afterward there was dancing, only the young ladies taking part, until the ten o'clock bell sounded, and white draperies fluttered through the corridors in every direction. It was hard to realize that the entertainment had been furnished by girls from 16 to 18; that every decoration, every device, had been theirs alone, and that this reception, in which the whole college seemed to take a profound interest, was their substitute for the traditional sophomore and freshman haze.

Hawaiian Genealogy.

A HAZY SUBJECT ILLUSTRATED BY A SPASMODIC STEREOPTICAN.

A very slim audience, as to numbers, visited the rooms of the School of Design last evening, when Ferd. Lee Clarke, "Member of the Hawaiian Board of Genealogy," made his third appearance before a San Francisco audience. The previous efforts were unfortunate in regard to location, for they were attempted in the Academy of Science, which is too scientifically solemn for the full play of Mr. Clarke's illustrated rhetoric, and comes as near being fatal to anything poetic or spirituelle as would a morgue. The lecturer, however, belongs to such an exalted position on the pay-roll of Kalakaua, Rex., that he does not mind the surroundings, and his aim seems to be to teach the outside barbarians the bottom facts regarding Hawaiian mythology and the genealogy of his royal patron. "The Member Hawaiian Board of Genealogy" is generally assisted by a stereopticon. Whenever it is nicely oiled, and the donkey pump in good working order, it affords an agreeable variety, but last night the machine was tired of life. The first things to be made clear to the audience were the charts of the Malaysian Archipelago and the Hawaiian Islands. The M. A. didn't loom up worth a cent on the white sheet, but the h. i. s. were as nebulous as Orion's worlds through a street binocular. Like Ajax the "Member Hawaiian Board of Genealogy" roared lustily for "light." His stalwart attendant placed his ponderosity on the gasbag of the machine, and so long as he straddled the bag the views were O. K., but this make-shift was unsatisfactory, for every time a new scene was put in the gas bag would let up, and thus keep the audience and the "M. H. B. G." on the "ragged edge." The greater part of the evening was devoted to a eulogy of Kamehameha I and his family. There was nothing new furnished, and whatever was stated had been given to the world long years ago by the facile pen of James Jackson Jarvis. There were some fair views of Honolulu and its public buildings, but the descriptive accompaniment was almost worthless. There will be two more attempts to instruct San Francisco people by Ferd. Lee Clarke, M. H. B. G., at the same place, with the same accessories. —*S. F. Bulletin.*